

IN THE SENATE OF THE UNITED STATES.

JUNE 3, 1858.—Ordered to be printed.

Mr. IVERSON made the following

REPORT.

(To accompany bill S. 428.)

*The Committee on Claims, to whom was referred the petition of James Meyer, report :*

In June, 1850, the petitioner was appointed quartermaster to the Mexican boundary commission, and immediately entered upon the duties of the office. He appears to have discharged his duties to the entire satisfaction of the commissioner and the department until about the 1st of August, 1851, when he was superseded by the assignment of the quartermaster's department of the commission to Lieutenant Burnside, U. S. A. Mr. Meyer was at this time with the commission at Rita del Cobre, in New Mexico. On being relieved he left that place with a small party for El Paso, where, as he states, he was compelled to remain for several months before he could find an opportunity by which he could safely reach the States.

In reference to this delay, Charles Sheldon deposes that he was a resident of the county of El Paso ; that his private and official business made him acquainted with the condition of the country and the means of conveyance and communication between El Paso and the nearest points, particularly San Antonio ; he remembers well Mr. Meyer's anxiety to return home, but could not, after being relieved from the commission, until after a delay of some months, there being during that period no trains or parties leaving for San Antonio, nearly seven hundred miles distant, the road to which runs through the Indian country, and is always unsafe to travel, except by well appointed and strong parties."

Mr. Meyer claims the allowance of his salary during this detention, amounting to \$733 87; and for subsistence, at \$1 50 per day, \$237; and for the other expenses of his journey home, of which the items are given, \$531 83. Of this sum \$200 was advanced by the commissioner, and allowed at the department, and the present claim is for the balance, \$1,302 69.

Lieutenant Burnside, United States army, states that he was at Santa Rita del Cobre when Major Meyer left; that delays of the length of twice mentioned are not unfrequent; that it is dangerous to travel from the borders of New Mexico to the settlements in small parties, and that parties, therefore, are frequently detained for months before a party can be organized large enough to travel safely; and that he has examined Mr. Meyer's charges, and "that they are very reasonable, and, in fact, below the ordinary cost."

It clearly appears from the evidence in the case, besides the statement of the petitioner, that he was detained without any fault on his part for the time stated in his memorial, on his going from the place where he was superseded to San Antonio, Texas, which appears to have been his home. The time thus consumed—viz: five months and five days—was lost to him by the fact of his unexpected discharge from the public service. He had been appointed to a responsible office, upon an arduous service, which he discharged with fidelity. He was taken out upon the frontiers of the United States and Mexico, at a great distance from home, in a strange country, surrounded with difficulties and dangers, and at this distant point was discharged by the government and left to find his way back to the United States without any escort or other assistance than what he could provide himself. His personal safety demanded that he should wait at El Paso until he could find a company returning to the State, with which he might travel without the danger of being killed by hostile Indians. It was the act and fault of the government that he was thus subjected to this risk, inconvenience, and loss of time. Every principle of justice and fair dealing requires that he should be paid for that time thus necessarily lost to him, and the expenses attendant upon his journey home, and during his unavoidable detention on the road.

The committee, therefore, think that he should be paid his salary for the five months and five days aforesaid, and his account for expenses of servant, mules, forage, and provisions, as stated in his account and substantiated by proof. The committee, however, do not consider that he is entitled to salary or expenses for the time spent in travelling from San Antonio, Texas, to Washington city. San Antonio was his home, and when the government covered the expense and time of reaching that place from the point of his discharge, it performed every obligation growing out of his appointment and subsequent dismissal. The government had the right to supersede him, but it was also bound to put him back to his home, and no more. It was not bound to keep him in service or pay afterwards; and if he went to Washington at his own option, without the authority or direction of the government, it was clearly not bound to pay for either the expense or time spent in the journey. The committee, therefore, reject that portion of the petitioner's account, and report a bill in his favor for the balance, or \$1,093 71. The charge for time and expenses of journey to Washington, \$208 98, being deducted.